

## **Summary of the Executive Council Component of the 2002 DAS Bill (HF 2556)**

Division II of HF 2556 proposed streamlining state government by abolishing the Executive Council (repealing Chapter 7D, some sections of which are moved elsewhere).

The code contains 151 references to the Executive Council, most of them outside Chapter 7D. As detailed below, the bill allocated many Executive Council duties to other officials or entities that are well positioned to assume them and already perform similar functions. The bill simply did away with other duties that are not needed or add less value than the time and money required to perform them.

### **Executive Council duties proposed to simply go away:**

- Designate additional days off with pay for state employees (1C.2).
- Approve DOM's requests to require state officials to require applicants to submit social security or tax numbers (8.6(8)).
- Approve Auditor of State's employment of accountants for specific assignment, and approve or provide for their pay (11.32).
- Miscellaneous duties associated with Chapter 15C, World Trade Center. Entire chapter repealed because it is cast in terms of prior conditions that did not occur in 1985.
- Review of DGS Director's decision to grant a state agency request for direct purchasing (18.6(8)).
- Review of disputes between the Department of Corrections and a purchasing department over Prison Industries products (18.7).
- Approval of transfer from General Fund to agency fund for amount of agency real property sold where proceeds deposited to General Fund (18.12(12)).
- Order distribution of fixed reserve out-of-date Iowa Codes (18.95).
- Review fleet charges, upon complaint of an agency (18.119).
- Approve services contracts for workers' compensation insurance coverage for state employees (19A.32).
- Authority to remove appointive state officers (66.26).
- Approve Workers' Compensation Commissioner contracts for services, facilities, and personnel (86.8).
- Approve Labor Commissioner contracts for services, facilities, and personnel (88.2).
- Authority to examine accounts of facilities of the Alcoholic Beverages Division (this authority also shared by the ABD Commissioner and Governor) (123.57).
- Approve contracts by the Department of Public Health for pilot programs for prospective rate review in hospitals or health care facilities (135.83).

- Approve salary of the secretary of examining boards for psychologists, chiropractors, and dentists (147.102).
- Approve salary of the executive director of medical examiners for physicians and surgeons, osteopaths, and osteopathic physicians and surgeons (147.103A(4)).
- Approve salary of the executive director of nursing board (152.2).
- Approve establishment of cemeteries for ancient remains (263B.8).
- Prevent the removal of archives (power shared with the courts) (303.14).
- Permit use of facilities on state land for water district purposes (357.27) (This section needs further work; some state authority needs to be inserted.)
- Authorize out-of-state travel (217.20; 421.38; 904.114; and see 97B.7A(5)).
- Consent to the use of private funds to improve parks and bodies of water (461A.15).
- Approve DNR Commission decisions to establish state parks on state land (461A.18).
- Approve sale of islands (461A.31).
- Approve sale of park land to cities or counties (461A.32).
- Approve condemnation by DNR Commission of land as provided in Chapter 6B (461A.75).
- Review and overturn rejection of articles of incorporation by the Secretary of State (491.9).
- Approve surveying contract for abandoned islands and river channels (568.8).
- Approve Commissioner of Public Safety contracts for utilizing special radio broadcasting system for law enforcement to communicate with other peace officers (power shared with the Governor) (693.1).

### **Executive Council duties proposed to transfer to the Governor:**

- Receive written notice from the Treasurer of waiver of requirement for competitive selection process (12.30(2)(a)).
- Serve as the “governing body” for the establishment of group insurance and deferred compensation plans for state employees; control plan fund (12B.10(5)(h); 12B.10A(6)(h); 12B.10B(3)(h); 12B.10C(7); 12C.1; 509A.5; 509A.11).
- Approve depositories for the Treasurer (12C.1).
- Appoint legal counsel where the Attorney General is disqualified (13.3).
- Appoint special counsel (13.7).
- Authorize indebtedness on account of support funds for state institutions (72.2).
- Approve contracts for the sale of bonds (75.8).
- Approve plans to eradicate animal contagious diseases (163.15).
- Receive the Auditor’s financial report on the State Fair Board (173.19).

- Approve Board of Regents real estate transactions (262.9(7); 262.10; 262.67).
- Receive notification of waiver of competitive selection process for employment related to issuing bonds or notes (262.9(17)).
- Determine that a contingency exists for the State Fish and Game Protection Fund (455A.10).
- When necessary, appoint a commission to locate the boundary between Iowa and an adjoining state (568.14).

## **Executive Council duties proposed to transfer to the State**

### **Appeal Board:**

- Approval of and payment for repair, remodeling, or demolition of state buildings where there is no specific appropriation (18.12(7)).
- Approval of and payment for leases and moving costs for state buildings where there is no specific appropriation (18.12(9)).
- Compromise claims (7D.9).
- Pay court costs where other funds not available (7D.10).
- Allocate funds to the Manure Storage Indemnity Fund, including when other funds are insufficient (7D.10A; 455J.2(5a-c)).
- Provide source of damages payments (29A.27).
- Use of contingent fund for disaster aid (29C.20).
- Approve unanticipated emergency funds for the Special Employment Security Contingency Fund (96.13(3)(c)).
- Approve sureties of Alcoholic Beverages Commission members (123.8).
- Approve claims for indemnity and compensation under a program to eradicate animal contagious diseases (163.15; 163.51).
- Approve emergency funding for natural disasters at the state fairgrounds (173.16).
- Payment for assessments against state-owned land (307.45; 384.56(1) & (3); 468.43).
- Approve use of Litigation Expense Fund monies and transfer money to the Fund (441.73).
- Refund money paid to the State for island and abandoned river channels where title defeated in court (568.16).
- Pay court costs in revocation of license to practice law cases (602.10133).
- Authorize payment of costs in habeas corpus proceedings (663.44).

### **Executive Council duties proposed to transfer to the new Department of Administrative Services:**

- Institute condemnation proceedings for improvements authorized by the General Assembly (6A.1) or required by the federal government (6A.2).
- Review of portion of administrative costs assigned by DGS Director for revolving fund (18.9(1)).
- Approval of agreements for detailing state employees to local government (28D.6).
- Sell or exchange real estate on the recommendation of the armory board (29A.57(2) and exemption from liability (29A.57(7)).
- Provide quarters for the Division of Records and Statistics of the Department of Public Health (144.2).
- Execute real estate transactions for sale of excess interstate bridge land to political subdivisions (313A.24; 313A.26).
- Resolve dispute between the state building code commissioner and the DNR regarding life cycle cost analysis (470.7).
- Manage State real estate (569.5).

### **Executive Council duties proposed to transfer to the Treasurer of State:**

- Anticipation of revenues (7D.8).
- Approve depositories for investment of permanent fund in savings accounts or in time deposits in Iowa banks (257B.20).
- Sell mining camp school sites (297.30). (This provision of the code appears to be antiquated and no longer used.)
- Approve valuations of stock paid for in property or other thing than money (492.2; 492.6; 492.7). (This provision of the code appears to be antiquated and no longer used.)
- Determine fair market value of cooperative association capital stock as fair market value of a business acquired (497.13). (This provision of the code appears to be antiquated and no longer used.)

### **Executive Council duties proposed to transfer to the Department of Natural Resources:**

- Lease public land for oil, gas, or metallic minerals exploration (458A.21).
- Receive donor request for reversion of gifted lands not used for park purposes (461A.14).
- Accept filing of surveys and plats of public lands (461A.22).
- Lease property under the DNR Commission's jurisdiction (461A.25).
- Grant permission for occupancy and use of public lands under the control of no office or agency of the state for levee and drainage district improvement purposes (468.220).

- Determine good faith possession of former channel land or islands; sale of such land (568.18).
- Bring action to determine title (power shared with others) of former channel land or islands (568.19).
- Sell or lease islands; survey and appraisement; lease; expenses (not in the Mississippi or Missouri rivers) (568.21-25).

### **Executive Council duties proposed to transfer to the Secretary of State:**

- Publish the official canvass of general election votes in the Iowa official register (7D.6).
- After an initial and unsuccessful attempt to sell abandoned island or river channel land and subsequent lease, decide whether (1) to order land reappraised, advertised, and sold or (2) to sell the land for less than appraised value (568.11).

### **Executive Council duties proposed to transfer to the Department of Management:**

- Receive from County Auditors the certification of amounts allocated to school districts in the previous year (161E.14).
- Resolve disputes between the purchasing department and Iowa state industries where the purchasing department is the Department of General Services (904.808).

### **Executive Council duties proposed to transfer to the Department of Education:**

- Approve sale of school lands remaining unsold and where unable to obtain appraised value (257B.6). (This provision of the code appears to be antiquated and no longer used.)

### **Executive Council duties proposed to transfer to the Department of Revenue and Finance:**

- Accept real or personal property in lieu of money to satisfy tax liability (450.6).

### **Executive Council duties proposed to transfer to the Public Utilities Board:**

- Grant certificate of convenience and necessity to construct/maintain a hydroelectric generating plant; regulation of such plants; receivership (469A.1-8).

### **Executive Council duties proposed to transfer to the Attorney General:**

- Control and supervise the civil reparations trust fund for indigent civil litigation programs or insurance assistance programs (668A.1).

### **Executive Council duties proposed to transfer to the Superintendent of Savings and Loans:**

- Approve unincorporated savings and loan association to do business in Iowa; revocation and receivership (534.515(2, 6, & 11)). (This provision of the code appears to be antiquated and no longer used.)

### **Executive Council members proposed to continue to perform the function:**

- Serving as the state canvassing board (43.73; 50.37).
- Authority to visit the state training schools at Eldora and Toledo (233A.6).
- Authority to visit correctional facilities (904.512).

The other provisions of Division II of this bill struck references related to the Executive Council as an entity:

- other entities reviewing records of the Executive Council, e.g. legislative fiscal committee examining the reports and acts of the Executive Council (2.46(2)),
- Executive Council authority to review records and make visits (7A.30),
- DOM pursuing initiatives by the Executive Council (8.6(6)),
- reporting information or plans to the Executive Council (12.8; 12E.2(10); 12E.9(5); 67.5),
- Attorney General taking legal action requested by the Executive Council (13.2(2)),
- authority to issue subpoenas (66.27),
- paying witnesses in the same manner as witnesses before the Executive Council (67.3), and
- clarifying municipal authority for water recreational areas independent of the Executive Council (461A.59).